

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORA PULIDO,

Plaintiff, No. CIV S-05-0678 FCD JFM PS

vs.

UNITRIN, INC., etc., et al.,

Defendants. ORDER

\_\_\_\_\_/ This action was referred to the undersigned pursuant to Local Rule 72-302(c)(21).

On November 20, 2006, defendant Kemper Home and Auto Insurance Company filed a motion for summary judgment pursuant to Fed. R. Civ. P. 56. No opposition to the motion has been filed.

Local Rule 78-230(c) provides that opposition to the granting of a motion must be filed fourteen days preceding the noticed hearing date. The Rule further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the motion has not been timely filed by that party.” In addition, Local Rule 78-230(j) provides that failure to appear may be deemed withdrawal of opposition to the motion or may result in sanctions. Finally, Local Rule 11-110 provides that failure to comply with the Local Rules “may

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1 be grounds for imposition of any and all sanctions authorized by statute or Rule or within the  
2 inherent power of the Court."

3 Good cause appearing, IT IS HEREBY ORDERED that:

4 1. The hearing date of December 21, 2006 is vacated. Hearing on defendants'  
5 motion for summary judgment is continued to January 25, 2007 at 11:00 a.m. in courtroom no.  
6 27.

7 2. Plaintiff shall file opposition, if any, to the motion for summary judgment, no  
8 later than January 18, 2007. Failure to file opposition and appear at the hearing will be deemed  
9 as a statement of non-opposition and shall result in a recommendation that plaintiff's complaint  
10 be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

11 DATED: December 19, 2006.

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14 UNITED STATES MAGISTRATE JUDGE

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